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WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

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OFFICE OF PETITIONS

In re Patent of :
Brodesser et al. :
Patent No. 6,581,561 :
Issue Date: June 24, 2003 :
Application No. 09/914,972 :
Filing Date: December 14, 2001 :
Attorney Docket No. Brodesser et al - 2PCT :

Decision on Petition

This is a decision on the petition under 37 C.F.R. § 1.183, filed April 2, 2004, to waive the rules and accept the correction of the assignee on the front page of the above-identified patent.

The petition is **dismissed**.

Petitioner requests that a Certificate of Correction be allowed adding the name of "Dr. Ing. h.c.F. Porsche." However, a Certificate of Correction can only be accepted when a mistake was made on the patent. Since petitioner has not proven that the assignee to be added was an assignee at the time the patent issued, petitioner has not proven that it was a mistake to leave that assignee's name off the patent.

In addition, Office PALM computer database records do not reflect that an assignment in the name of the assignee sought by the certificate of correction was ever recorded. A certificate of correction will only be proper when an assignee was *of record* at the time the patent issued. The record fails to establish that an assignment to the assignee to be added was recorded prior to the issuance of the patent and therefore the petition cannot be granted.

The file is being forwarded to Technology Center 3700 to render a decision on the petition to correct inventorship filed on April 2, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions